

**REGULAR MONTHLY MEETING OF THE STEPHENS CITY TOWN COUNCIL**  
**TUESDAY, JUNE 3, 2008**  
**7:30 p.m.**

Mayor Ray Ewing called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance

Council member Harter gave the invocation.

Roll call showed the following present:

Vice Mayor Shull, Council member Ron Bowers, Council member Linden A. Fravel Jr.,  
Council member Mike Grim, Council member James Harter, Council member Joseph W.  
Hollis

Staff present: Mike Kehoe, Town Administrator; Brian Henshaw, Town Planner; Dianne MacMillan, Town Clerk; David Griffin, Town Attorney; Charles Bockey, Jr., Chief of Police.

Others present: David Hehr, 105 Shoe Buckle Ct.; Williams Harrison, 103 Smoke House Ct.; Rebecca Long, Stephens Run Homeowners Association, Bill Dodson, 5148 Main Street

**ACTION AGENDA**

Mayor Ewing amended the Agenda to include appointments to the Joint Land Use Committee and an addition of a Resolution addressing the state transportation funding crisis. The amended Action Agenda was adopted as amended.

**PUBLIC COMMENTS**

Mayor Ewing asked if there were citizens present who wished to address Council and advised that they must limit their comments to three minutes.

Mr. David Hehr, 105 Shoe Buckle Court, spoke as a member of the Stephens Run Homeowners Association and an individual homeowner about concerns with the unfinished condition of that neighborhood and that the neighborhood was still a construction site turning into blight. He said they talked to the representatives of the contractor without result. He said items were promised through Ryan Homes that were not supplied by the contractor and there were no places for the older children to play with only tot lots available. Mr. Hehr added that they have been patient but had received no action from Long on these problems. He said the homeowners would like to know to what extent Long was going to improve the properties they own and maintain them and how much longer it would be an uncompleted community.

Mr. William Harrison, 103 Smoke House Court, spoke on the same subject. He reported that the empty lot next to his house was overrun with fiber optic cables and copper cabling from Horizon. He said in certain areas the weeds were four to five feet tall and when it rained it was nothing but a mud pit. He added that there were discarded glass bottles and pieces of wood and it was very dangerous for children. He said he was concerned with the childrens' safety and improvements were needed to make the neighborhood a more livable place.

Ms. Rebecca Long, 102 Shoe Buckle Court, spoke as Vice President of the Stephens Run Homeowners Association and stated that the vacant lot next to her lot was being used as a parking lot and a dump and this was not good for the safety of the children in the development. She said it would be nice to have a place for the older children to play.

Mayor Ewing said he would meet with the town manager and the planner to discuss the issue. The Town Manager, Mike Kehoe said he did meet with the developer and some progress was taking place.

### **MINUTES – May 7, 2008.**

Council member Hollis moved to approve the minutes of May 7, 2008 as presented and the motion carried by the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

### **TREASURER’S REPORT**

The Mayor asked for questions or comments on the Treasurer’s report and there were none. The Treasurer’s report was accepted as presented.

### **POLICE REPORT**

Mayor Ewing said the police report had been distributed and asked for any questions or comments. Chief Bockey added some detail for the council members. There being no further comment, the police report was accepted as presented.

### **ACTION AGENDA**

#### **A. Public Hearing – Proposed Budget for 2008-2009**

Mayor Ewing asked for comments from the Finance Committee. Council member Hollis reported that the total budget for the year 2008-2009 was lower because the town does not have the level of construction to generate fees. He said the proposed budget was 1.45 million compared to last year’s 1.66 million. Mayor Ewing asked for comments or questions and there being none, the public hearing was closed. He stated that the budget would be scheduled for approval at a special meeting on June 12<sup>th</sup> at 7:30 p.m.

B. Public Hearing – Abandonment of a Portion of Mulberry Street

Mayor Ewing opened the public hearing and asked for comments from staff. Mr. Kehoe said he considered this old business that goes back to 1988 when a section of Mulberry Street extended behind the truck stop was vacated. He said at that time one of the property owners did pick up their portion of the right of way but HN Funkhouser, Inc. on the west side did not. He added that this would complete the process. Mayor called for anyone to speak for or against the ordinance. There were no comments and the public hearing was closed.

C. Amend Chapter 19 of Town Code to Impose a Cigarette Excise Tax – Final Reading

**An Ordinance for the imposition of a cigarette tax within the Town of Stephens City.**

Mayor Ewing asked that the Clerk read the ordinance by title only for the final reading. The Clerk read “An Ordinance for the imposition of a cigarette tax within the Town of Stephens City.” Council member Grim moved that the Council of the Town of Stephens City adopt the Ordinance for the imposition of a cigarette tax within the town.

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Nay
Council member Hollis	-	Aye

D. Ordinance to Vacate a Portion of Mulberry Street Extended

The Mayor said the ordinance had been provided to members for review. He asked for a motion to adopt the ordinance to vacate a portion of Mulberry Street. Council member Hollis moved that the Council of the Town of Stephens City adopt an Ordinance to abandon a portion of Mulberry Street. (copy attached). The motion passed with the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

E. Award Contract for Refuse Collection to

The Town Manager stated that the bids were provided to council after review by the public works committee. He said that the committee members interviewed representatives of the low bidder and they will be able to provide services in the same manner as the current provider.

Council member Grim, Chair of the Public Works Committee commented that the Committee was impressed with the low bidder, American Disposal, since they would be able to expand on some services – they will provide recycling for cardboard, newspaper and all plastics. He said the only change would be to change pickup day from Tuesday to Wednesday. Council member Shull noted that if there was a snow day or holiday, the pickup would always be Saturday. Council member Grim moved that as recommended by the Public Works Committee, the Town Council award the refuse contract to American Disposal for one year with two year optional renewal. The motion passed with the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Nay
Council member Hollis	-	Aye

F. Right of Way from Shen Valley Lime Corporation

The Town Manager reported that at the recent MPO meeting, Garrett Moore, District Engineer recommended that any easement for future right of way be obtained early on to offset costs to purchase later which would allow that money to be transferred to maintenance and construction. After further discussion, Council member Hollis moved that the Town Council accept the right of way/easement from Shen Valley Lime Corporation. The motion passed with the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye
Council member Fravel	-	Aye

G. Resolution for Reduction of Speed Limit on South End of Town Limits

Mayor Ewing stated that this was same issue as discussed earlier in the year and VDOT did not approve a reduction in the speed limit to 35. He said this time Council would request a reduction to 45 mph. The Town Attorney agreed that this was the best first step in getting the speed limit discussion moving. Council member Bowers asked the attorney if this was the proper procedure and Mr. Griffin responded that it was the appropriate course of action at the time. Mr. Kehoe said a letter would be sent to Frederick County regarding this proposed reduction. Council member Bowers moved that the Town Council adopt the resolution for speed limit reduction at the south end of town limits. The motion passed with the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
------------------	---	-----

Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

#### H. Appointment to Joint Land Use Committee

Mayor Ewing said as discussed at the last meeting the Committee would include members from the Frederick County Board of Supervisors, the County Planning Department and the Planning Commission with a like number from the Town to review land development applications for the annexed areas. He said County appointed supervisors Ewing and Lofton, Planning Director Lawrence and a Planning Commission member to be appointed later. Mayor Ewing proposed that the Town appoint Linden Fravel, Jr. and Joy Shull from Council, Town Planner Brian Henshaw and a member from Planning Commission to be named later. Council member Grim moved that the above named members and staff be appointed to the Joint Land Use Committee. The motion passed with the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

#### I. Set Special Meeting for June 12

Council by consensus set a special meeting on Thursday June 12 for adoption of the budget for 2008-2009 and public hearings for CIP and vacation of a portion Squirrel lane.

#### J. Resolution – Transportation Funding

Mayor Ewing explained the resolution as suggested by VML was in support of requesting tax increases state wide to fund the transportation crisis. He said the Governor would present the proposal to a special session of the General Assembly to convene on June 23<sup>rd</sup>. Council member Fravel moved to adopt the resolution to Address Virginia's Transportation Funding Crisis. The resolution (copy attached) was adopted by the following vote:

Recorded Vote:

Ayes: Vice Mayor Shull	Nays: Council member Grim
Council member Fravel	Council member Hollis
Council member Harter	
Abstain: Council member Bowers	

## **COMMITTEE REPORTS**

### **A. Finance Committee – Joseph Hollis, Chair**

On the matter of tax bills, Council member Hollis moved to suspend the penalty on late payment of taxes after June 5, to extend the due date on real estate and personal property taxes to June 30<sup>th</sup>, 2008 and to set the penalty period on late payments to begin after June 30<sup>th</sup>. The motion passed with the following vote:

#### **Recorded Vote:**

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

### **B. Water & Sewer Committee – Joy Shull, Chair**

Vice Mayor Shull reported that the Town was still working with Frederick County Sanitation Authority to finalize the agreement. She further updated the members on the water line leak on Barley saying that about 500-600 feet of the three inch line needed to be replaced. Mayor Ewing said there was a blanket water line replacement included in the budget which should cover the expense.

She further updated the Stephens Court project details and noted that there was funding in the CIP but the project would need to be put out for bids. Mr. Kehoe said that the bids for the work had been advertised and should be received June 6

### **C. Public Works Committee – Mike Grim, Chair**

No report

### **D. Public Safety Committee – Ron Bowers, Chair**

No report

## **PLANNER'S REPORT – Brian Henshaw**

Mr. Henshaw recommended that Martha Dilg be re-appointed to the Planning Commission. He added that he would provide biographical information on the two potential new appointees to the Planning Commission. He said Jesse Fox could be appointed in place of Mr. Petrie who does not want to be reappointed and Susan Boyd could take over for Dana Pitts who had resigned. Mr. Henshaw noted that there would need to be someone appointed to take Mr. Fox's position on the Historic District Commission if he was appointed to the Planning Commission. Mayor Ewing asked all members to find citizens who would be like to serve on the various commissions.

## **TOWN MANAGER'S REPORT – Mike Kehoe**

1. Mr. Kehoe reported that the flagpoles would be dedicated at the July Cruise In sponsored by Clem's Garage on July 19<sup>th</sup>. He said the Clem family requested that in conjunction with 250<sup>th</sup>

anniversary they be allowed to bury a 50 year time capsule at the flag poles with the town participation. Mayor Ewing reported that there was an effort by a local veteran's organization to create a veterans memorial incorporating the flags at that site.

2. Mr. Kehoe reported that the concession stand was completed with only the final inspections remaining to be done and should be ready by the July event. He said there had been discussions about reactivating the recreation commission and in order do that changes to the ordinance would need to be addressed. He suggested that the Administration Committee review this issue.

3. He further suggested that letters be sent to local businesses asking that they create window displays beginning immediately until the founders' day celebration in October and that there be awards presented at that time for the best, most creative displays.

4. Mr. Kehoe said the Newtown Festival was by most accounts very successful this year and a lot of hard work and effort went into it. He said the bar was set very high especially for the fireworks display.

5. He further advised that the town did buy a new maintenance vehicle under the CIP. He said it had a utility body so the crews will have tools readily available. He noted that the last vehicle purchased was in 1999.

6. Mr. Kehoe reported that as mentioned earlier, bids will be received on the Stephens Court water line project and proposed that the approval of the contract be added to the agenda for the June 12<sup>th</sup> meeting. Vice Mayor Shull asked if the Water/Sewer Committee could meet prior to the meeting to review the bids and a meeting was scheduled for this purpose.

### **COUNCIL COMMENTS/CALENDAR**

The Water/Sewer Committee and Public Works Committee meetings were moved from the 19<sup>th</sup> to the 12<sup>th</sup> at the regular times at 9 am and 9:30 am. The Personnel Committee decided to cancel the monthly meeting unless needed. An Administrative Committee meeting was scheduled for June 18<sup>th</sup> at 3 pm

Mr. Kehoe noted that Mr. Dave Edwards, Dept of Historic Resources will be speaking on the historic architecture of the town on June 25 at 7:00 in the Council Chambers.

There being no further business, Councilman Grim moved to adjourn at 8:20 p.m. and the motion carried.

---

Ray E. Ewing, Mayor Ray Ewing

---

Dianne L. MacMillan, CMC, Town Clerk